

REMARKS

Upon entry of the above amendment, claims 1, 14, 27, 28, 34 and 35 are amended and claims 36-49 are added. Claims 1-49 are pending in this application with claims 1, 14, 27, 28, 29, 36, 42 and 45 being independent. Claims 7, 8, 20, 21 and 29-33 are withdrawn from consideration, as being drawn to a non-elected invention.

Election of Species

Applicant respectfully reiterates that the species election is made with traverse and requests that it be withdrawn. Applicant incorporates all arguments previously made into the present response. Additionally, with respect to claims 29-31, Applicant submits that each of these claims is readable upon the species of Fig. 5. Each of these claims merely requires the species of Fig. 5 and a lens exemplified by Figs. 13-16. Additionally, the specification states that the lenses shown in these figures may be employed as the lens 106 or 106-1 discussed above (i.e., the lenses in these figures can replace the lens 106 of Fig. 5). See Para [0045] and [0047].

Furthermore, Figs. 13-16 were not included in the March 24, 2005 Election/Restriction Requirement and thus Applicant submits that they are only embodiments of the same invention.

Rejections Under 35 U.S.C. §102(b)

Claims 1-6, 13-16 and 34 stand rejected under 35 U.S.C. §102(b) as being clearly anticipated by DE 195 01 444 to Mitschischek. The Action states that the Mitschischek reference discloses all the elements of these claims.

Independent Claims 1

Amended independent claim 1 recited, among other things, an intraocular lens system including a first lens having a high minus portion adapted to supplement the natural or existing artificial lens and be implanted in the eye, and a second lens adapted to be implanted into the eye in series with said first lens and used in combination with said first lens to create a lens system that functions as a teledioptic lens system which, when used without an external lens, provides unmagnified and peripherally unrestricted vision and which, when used with an external lens, provides magnified and peripherally restricted vision to correct for macular degeneration

The Mitschischek reference discloses a two lens system 15/16 or 15/17 that works similar to a reverse telescope. Specifically, the Mitschischek lens system forms an image that is “definitely smaller” than normal vision. There is no disclosure of a telediopic system that 1) provides a magnified peripherally restricted image when used with an external lens; or 2) provides an unmagnified peripherally unrestricted image when used without an external lens. Claim 1 clearly requires providing two distinct types of images. The Mitschischek lens system is specifically for creating one image, and that image is smaller than an image created through “normal vision”.

Furthermore, even assuming that the Mitschischek lens system could be alternatively used with or without an external lens, such use would not result in the present invention, as recited in claim 1. For example, there is no structure disclosed in the Mitschischek reference that would allow an unmagnified peripherally unrestricted image without the use of spectacles. The only structure disclosed in the Mitschischek reference is a lens system that forms a smaller image on the retina. Therefore, use of the Mitschischek lens system without spectacles would result in a smaller image being projected onto the retina than with normal vision.

Therefore, Applicant submits that independent claim 1 and its dependent claims 2-13 and 34 are allowable.

Independent Claim 14

Amended independent claim 14 is allowable over the Mitschischek reference for substantially the same reasons as discussed above. Namely, the Mitschischek reference does not disclose, teach or suggest implanting in the eye a second lens in series with said first lens to create a lens system that supplements the natural or existing artificial lens and functions as a telediopic lens system which, when used without an external lens, provides unmagnified and peripherally unrestricted vision and which, when used with an external lens, provides magnified and peripherally restricted vision to correct for macular degeneration.

Therefore Applicant submits that independent claim 14 and its dependent claims 15-26 and 35 are allowable over the Mitschischek reference.

Rejections Under 35 U.S.C. §103(a)

Claims 1-6, 9-19 and 22-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent App. Publication 2003/0014107 to Reynard. The Action states that the Reynard application renders the above claims obvious.

Amended independent claims 1, 14, 27 and 28 each recites similar subject matter. For example, each claim generally recites, among other things, a method or apparatus in which a first and second lens are adapted to be implanted or are implanted into the eye in series to create a lens system that functions as a telediopic lens system. Additionally, each of these independent claims recites a lens system capable of providing two types of vision. The first unmagnified and peripherally unrestricted vision, and the second, magnified and peripherally restricted vision.

The Reynard application does not disclose, teach or suggest such an intraocular lens system. The Reynard application merely teaches a single multifocal IOL 10. There is no disclosure or suggestion that the Reynard lens could be used with a second lens to form a telediopic lens system, or that the Reynard lens provides two types of vision.

Therefore, Applicant submits that independent claims 1, 14, 27 and 28 and their respective dependent claims are allowable over the Reynard application.

Claims 1-6, 13-18, 26, 34 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent 5,180,389 to Donn et al. The Action states that the Donn patent renders the above claims obvious.

Applicant submits that independent claims 1 and 14 are allowable for similar reasons to those stated above. Namely, the Donn patent does not disclose, teach or suggest a method or apparatus in which a first and second lens are adapted to be implanted or implanted into the eye in series to create a lens system that functions as a telediopic lens system, as recited in these independent claims. Nor does the Donn patent teach a lens system that provides two types of vision.

Therefore, Applicant submits that independent claims 1 and 14 and their respective dependent claims are allowable over the Donn patent.

Claims 1-6, 11, 13-16, 24 and 26-28 stand rejected under 35 U.S.C. §102(b) as being clearly anticipated by US Patent No. 6,197,057 to Peyman et al. The Action states that the Peyman patent discloses all of the elements of these claims.

Applicant submits that as with the Donn patent and the Reynard application, the Peyman patent does not disclose, teach or suggest a method or apparatus in which a first and second lens are adapted to be implanted or are implanted into the eye in series to create a lens system that functions as a telediopic lens system, as recited in these independent claims. Nor does the Peyman patent disclose or teach a lens capable of providing two types of vision.

Therefore, Applicant submits that independent claims 1, 14, 27 and 28 and their respective dependent claims are allowable over the Peyman patent.

New Claims 36-49

Applicant submits that new claims 36-49 are allowable over the cited prior art.

Independent claim 36 covers an intraocular lens system that when used in combination with a converging spectacle lens will provide a magnified first image from the central field of vision, while use of said intraocular lens without the converging spectacle lens will provide a second image from the peripheral field of vision. None of the cited prior art discloses such a lens system.

Independent claim 41 covers an optical system in which the combination of a second converging lens and a diverging lens provide the patient with a magnified first image from the central field of vision and said second converging lens providing a second image from the peripheral field of vision. None of the cited prior art discloses such an optical system.

Independent claim 45 covers an optical system in which a first portion in combination with a second optical element provides a magnified first image from the central field of vision, and a second portion will provide an unmagnified second image from the peripheral field of vision. None of the cited prior art discloses such an optical system.

In view of the foregoing comments and amendments, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the number indicated below.

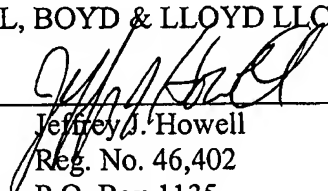
U.S. Application No. 10/600,371
Reply to Office Action of February 8, 2006
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The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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